UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,471	07/18/2003	Daniel Plastina	MS#303008.01 (5056)	4440

321	7590	12/13/2005	EXAMINER

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

	SMITH, PETER J

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/623,471	PLASTINA ET AL.
	Examiner	Art Unit	
	Peter J. Smith	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *7/18/03, 9/28/05*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: application filed 7/18/2003.

2.   Claims 1-53 are pending in the case. Claims 1, 13, 26, 33, 43, and 51 are independent

claims.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-5, 7, 9, 11-15, 17-19, 23-28, 43, 44, 47, and 50 are rejected under 35**

U.S.C. 102(e) as being anticipated by Berkun et al. (hereinafter "Berkun"), US

2002/0103920 A1 filed 6/8/2001.

Regarding independent claim 1 and dependent claim 12, Berkun discloses generating

a request for metadata from a metadata provider, the requested metadata to be associated with

media content adapted for rendering by the media player in the abstract and paragraphs [0031]-

[0033]. Berkun discloses receiving return metadata from the metadata provider in response to

the request for metadata in the abstract, fig. 3, 10, and paragraph [0042]. Berkun discloses

receiving a trustworthiness rating corresponding to the return metadata in fig. 7, 11, paragraphs

[0046]-[0048], and [0074]-[0077]. The similarity score shown in fig. 7 and described in

paragraphs [0046]-[0048] is a trustworthiness rating. Berkun discloses computer readable-media

having computer-readable instructions in paragraphs [0023]-[0028].

Regarding dependent claim 2, Berkun discloses replacing an existing metadata state

with the received return metadata based on the received trustworthiness rating in fig. 3, 10, and

paragraphs [0070]-[0072].

Regarding dependent claim 3, Berkun discloses wherein the return metadata comprises

metadata determined by the metadata provider to be associated with the media content in fig. 3,

7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 4, Berkun discloses wherein the received trustworthiness

rating in fig. 7 and paragraphs [0046]-[0048].

Regarding dependent claim 5, Berkun discloses wherein the trustworthiness rating is a

percentage in fig. 7 and paragraphs [0046]-[0048].

Regarding dependent claim 7, Berkun discloses storing the return metadata with the

media content based on the received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-

[0048] and [0070]-[0072].

Regarding dependent claim 9, Berkun discloses wherein the received trustworthiness

rating indicates that the return metadata matches the requested metadata and storing the return

metadata with the media content without intervention from a user in fig. 3, 7, 10, paragraphs

[0046]-[0048] and [0070]-[0072].

Regarding dependent claim 11, Berkun discloses receiving one or more reconciliation

rules from a user, the reconciliation rules specifying an action to perform in response to the

received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. In

Berkun, a threshold is defined and the metadata addition is determined based on the threshold.

Regarding independent claim 13 and dependent claim 25, Berkun discloses receiving

a request from a user to replace one metadata state with another metadata state in fig. 1, 3, 11,

paragraphs [0032], [0033], [0076], and [0077]. Berkun discloses replacing each set of metadata

items associated with the one metadata state with a corresponding set of metadata items

associated with the other metadata state in response to the received request in fig. 1, 3, 11,

paragraphs [0032], [0033], [0076], and [0077]. Berkun discloses computer readable-media

having computer-readable instructions in paragraphs [0023]-[0028].

Regarding dependent claim 14, Berkun discloses wherein each item of metadata

comprises a value specific to the media content in fig. 7, 11 and paragraphs [0046]-[0048],

[0076], and [0077].

Regarding dependent claim 15, Berkun discloses receiving the items of metadata

associated with the other metadata state from a metadata provider in response to an update

request, the metadata provider providing the items of metadata associated with the other

metadata state that are determined to be relevant to the media content in fig. 3, 7, 10, paragraphs

[0046]-[0048] and [0070]-[0072].

Regarding dependent claim 17, Berkun discloses storing the received items of metadata

in a file storing the media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 18, Berkun discloses receiving a trustworthiness rating

corresponding to the received items of metadata and replacing each set of metadata items

associated with the one metadata state with a corresponding set of metadata items from the

received items of metadata in response to the received trustworthiness rating in fig. 3, 7, 10,

paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 19, Berkun discloses wherein the items of metadata

associated with the one metadata state are stored in a file along with the media content in fig. 3,

7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 23, Berkun discloses replacing a single item of metadata in

paragraphs [0032], [0033], and [0042].

Regarding dependent claim 24, Berkun discloses wherein the other metadata state lacks

metadata, and wherein replacing each set of metadata items comprises removing all metadata

from the media content in fig. 3 and paragraphs [0032], [0033], and [0042]

Regarding independent claim 26, Berkun discloses a communications component for

receiving metadata associated with media content in the abstract, fig. 3, 10, and paragraph

[0042]. Berkun discloses the communications component further receiving a trustworthiness

rating associated with the received metadata in fig. 7, 11, paragraphs [0046]-[0048], and [0074]-

[0077]. The similarity score shown in fig. 7 and described in paragraphs [0046]-[0048] is a

trustworthiness rating. Berkun discloses an authoring module for selectively applying the

received metadata to the media content based on a trustworthiness rating received via the

communications component in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 27, Berkun discloses wherein the authoring module applies

the received metadata by replacing each item of metadata associated with one metadata state

with a corresponding item of the received metadata associated with another metadata state in fig.

3, 10, paragraphs [0032], [0033], and [0070]-[0072].

Regarding dependent claim 28, Berkun discloses wherein the communications component further receives a request from a user to store the received metadata with the media content in fig. 1, 3, 11, paragraphs [0032], [0033], [0076], and [0077].

Regarding independent claim 43, Berkun discloses one or more data fields, each of the data fields displaying a metadata value associated with the metadata item in fig. 3, 11, and paragraphs [0073]-[0075]. Berkun discloses a selection field for receiving a command from a user, the command selecting one or more of the metadata values form the data fields for association with the metadata item and storage with the media content in fig. 3, 11, and paragraphs [0073]-[0075]. Berkun discloses a query field for receiving a search term from the user, the search term describing the media content and enabling determination of another metadata value relevant to the media item based on the received search term in fig. 3, 11, and paragraphs [0076] and [0077].

Regarding dependent claim 44, Berkun discloses wherein at least one of the metadata values in the plurality of data fields is selected automatically based on a trustworthiness rating associated with the at least one metadata value in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 47, Berkun discloses wherein the metadata item comprises at least one of an album title, an artist name, a song title, a genre, a composer name, a track number, a studio, a director, and a rating in paragraph [0025].

Regarding dependent claim 50, Berkun discloses a display device in paragraph [0028].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 6, 8, 10, 16, 29, 33, 34, 36-42, 45, 46, 48, and 49 are rejected under 35 U.S.C.**

103(a) as being unpatentable over Berkun et al. (hereinafter "Berkun"), US 2002/0103920

A1 filed 6/8/2001.

Regarding dependent claim 6, Berkun teaches in using a trustworthiness rating to

determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-

[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the

trustworthiness of the metadata. Berkun does not specifically teach prompting a user to review

the return metadata based on the received trustworthiness rating. It would have been obvious to

one of ordinary skill in the art at the time the invention was made to have modified Berkun to

have created the claimed invention. It would have been obvious and desirable to have modified

Berkun to have prompted a user to review the return metadata based on the received

trustworthiness rating in view of the way search engines at the time of the invention provide

content to users. At the time of the invention, a search engine provides a rank ordered list of hits

and prompts the user to review the list and make the final selection of content. In similar

fashion, instead of automatically deciding to include or exclude metadata based on a threshold,

Berkun would have been modified to have prompted users to have reviewed metadata near the

threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 8, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun teaches receiving a plurality of trustworthiness ratings in fig. 7 and paragraphs [0046]-[0048]. Berkun does not specifically teach collectively displaying the received plurality of trustworthiness ratings to a user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to collectively displayed the received plurality of trustworthiness ratings to a user in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 10, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun teaches wherein the received trustworthiness rating indicates that the return metadata may not match the requested metadata in fig. 7 and paragraphs

[0046]-[0048]. Berkun does not specifically teach prompting the user to accept or reject the return metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have prompted the user to accept or reject the return metadata in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 16, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach displaying the received items of metadata to the user for review. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to displayed the received metadata for review by a user in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a

threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 29, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach displaying, to a user for review based on a received trustworthiness rating, the metadata received via a communications request. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to displayed the received metadata for review by a user in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding independent claim 33 and dependent claim 42, Berkun teaches receiving metadata corresponding to media content from a metadata provider in the abstract, fig. 3, 10, and paragraph [0042]. Berkun teaches performing an action on the metadata in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. Berkun teaches in using a trustworthiness rating to

determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun teaches computer readable-media having computer-readable instructions in paragraphs [0023]-[0028]. Berkun does not specifically teach displaying the received metadata to the user on the display or receiving a selection request form the user via the user interface selection device, the selection request specifying the acceptance or rejection of the displayed metadata.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 34, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request

specifies rejection of the received metadata, and wherein the selection request further comprises a request from the user to edit the received metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata and allowed the user to edit the metadata upon rejection in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 36, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request specifies rejection of the received metadata, and wherein the selection request further comprises a request from the user to discard the received metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request

specifying the acceptance or rejection of the displayed metadata and allowed the user to discard

the metadata upon rejection in view of the way search engines at the time of the invention

provide content to users. At the time of the invention, a search engine provides a rank ordered

list of hits and prompts the user to review the list and make the final selection of content. In

similar fashion, instead of automatically deciding to include or exclude metadata based on a

threshold, Berkun would have been modified to have prompted users to have reviewed metadata

near the threshold so that the final decision on the inclusion or exclusion of the metadata

enhancement would have been provided by the user.

Regarding dependent claim 37, Berkun teaches in using a trustworthiness rating to

determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-

[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the

trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request

specifies rejection of the received metadata, and wherein the selection request further comprises

a request from the user to search for additional metadata for the media content. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to have

modified Berkun to have created the claimed invention. It would have been obvious and

desirable to have modified Berkun to have displayed the received metadata and have accepted a

user selection request specifying the acceptance or rejection of the displayed metadata and

allowed the user to search for additional metadata for the media content upon rejection in view of

the way search engines at the time of the invention provide content to users. At the time of the

invention, a search engine provides a rank ordered list of hits and prompts the user to review the

list and make the final selection of content. In similar fashion, instead of automatically deciding

to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 38, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request specifies acceptance of the received metadata, and wherein the selection request further comprises a request from the user to apply the received metadata by storing the received metadata with the media content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata and allowed the user to apply the received metadata by storing the received metadata with the media content upon acceptance in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 39, Berkun teaches storing the received metadata in a cache

in paragraph [0036].

Regarding dependent claim 40, Berkun teaches in using a trustworthiness rating to

determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-

[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the

trustworthiness of the metadata. Berkun does not specifically teach displaying the received

trustworthiness rating to the user on a display. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to have modified Berkun to have created the

claimed invention. It would have been obvious and desirable to have modified Berkun to have

displayed the received trustworthiness rating to the user on a display in view of the way search

engines at the time of the invention provide content to users. At the time of the invention, a

search engine provides a rank ordered list of hits and prompts the user to review the list and

make the final selection of content. In similar fashion, instead of automatically deciding to

include or exclude metadata based on a threshold, Berkun would have been modified to have

prompted users to have reviewed metadata near the threshold so that the final decision on the

inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 41, Berkun teaches receiving one or more reconciliation

rules from a user, the reconciliation rules specifying an action to perform in response to the

received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. In

Berkun, a threshold is defined and the metadata addition is determined based on the threshold.

Berkun does not specifically teach displaying the one or more reconciliation rules for selection

by a user. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Berkun to have created the claimed invention. It would have been

obvious and desirable to have modified Berkun to have displayed the one or more reconciliation

rules for selection by a user in view of the way search engines at the time of the invention

provide content to users. At the time of the invention, a search engine provides a rank ordered

list of hits and prompts the user to review the list and make the final selection of content. In

similar fashion, instead of automatically deciding to include or exclude metadata based on a

threshold, Berkun would have been modified to have prompted users to have reviewed metadata

near the threshold so that the final decision on the inclusion or exclusion of the metadata

enhancement would have been provided by the user.

Regarding dependent claim 45, Berkun teaches in using a trustworthiness rating to

determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-

[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the

trustworthiness of the metadata. Berkun does not specifically teach wherein the selection field

comprises a plurality of checkboxes, each of the checkboxes being associated with one of the

plurality of data fields. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to have modified Berkun to have created the claimed invention. It

would have been obvious and desirable to have modified Berkun to have used checkboxes to

have selected the data fields displaying metadata values in view of the way search engines at the

time of the invention provide content to users. At the time of the invention, a search engine

provides a rank ordered list of hits and prompts the user to review the list and make the final

selection of content. In similar fashion, instead of automatically deciding to include or exclude

metadata based on a threshold, Berkun would have been modified to have prompted users to

have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion

of the metadata enhancement would have been provided by the user.

Regarding dependent claim 46, Berkun teaches in using a trustworthiness rating to

determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-

[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the

trustworthiness of the metadata. Berkun does not specifically teach wherein the selection field

comprises a button that indicates acceptance of the selected metadata value. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have modified

Berkun to have created the claimed invention. It would have been obvious and desirable to have

modified Berkun to have used a button that indicated the acceptance of a selected metadata value

in view of the way search engines at the time of the invention provide content to users. At the

time of the invention, a search engine provides a rank ordered list of hits and prompts the user to

review the list and make the final selection of content. In similar fashion, instead of

automatically deciding to include or exclude metadata based on a threshold, Berkun would have

been modified to have prompted users to have reviewed metadata near the threshold so that the

final decision on the inclusion or exclusion of the metadata enhancement would have been

provided by the user.

Regarding dependent claim 48, Berkun teaches in using a trustworthiness rating to

determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-

[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the

trustworthiness of the metadata. Berkun does not specifically teach displaying a trustworthiness

rating associated with the metadata value for each of the data fields. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to have modified Berkun to

have created the claimed invention. It would have been obvious and desirable to have modified

Berkun to have displayed a trustworthiness rating associated with the metadata value for each of

the data fields in view of the way search engines at the time of the invention provide content to

users. At the time of the invention, a search engine provides a rank ordered list of hits and

prompts the user to review the list and make the final selection of content. In similar fashion,

instead of automatically deciding to include or exclude metadata based on a threshold, Berkun

would have been modified to have prompted users to have reviewed metadata near the threshold

so that the final decision on the inclusion or exclusion of the metadata enhancement would have

been provided by the user.

Regarding dependent claim 49, Berkun teaches a reconciliation field for displaying one

or more reconciliation rules for selection by a user, each of the reconciliation rules specifying an

action to perform in response to the trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is defined and the metadata addition is

determined based on the threshold.

7.   **Claims 20-22, 30-32, and 35 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Berkun et al. (hereinafter "Berkun"), US 2002/0103920 A1 filed 6/8/2001

in view of Senator et al. (hereinafter "Senator"), US 5,761,677 patented 6/2/1998.

Regarding dependent claim 20, Berkun does not teach maintaining a history data

structure in the file, the history data structure storing the other metadata state. Senator does teach

a history data structure in a file, the history data structure storing an other metadata state in fig.

1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to have combined the teachings of

Berkun and Senator to have created the claimed invention. It would have been obvious and

desirable to have used the history data structure of Senator to have improved the metadata

storage of Berkun so that the user could have rolled back to a previous metadata state as is taught

by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 –

col. 4 line 6.

Regarding dependent claim 21, Berkun does not teach replacing each set of metadata

items associated with the one metadata state with a corresponding set of metadata items stored in

the history data structure. Senator does teach replacing each set of metadata items associated

with the one metadata state with a corresponding set of metadata items stored in the history data

structure in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have combined

the teachings of Berkun and Senator to have created the claimed invention. It would have been

obvious and desirable to have used the history data structure of Senator to have improved the

metadata storage of Berkun so that the user could have rolled back to a previous metadata state

as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3

line 64 – col. 4 line 6.

Regarding dependent claim 22, Berkun does not teach wherein the history data

structure defines an empty metadata state for the media content and wherein replacing each set of

metadata items comprises replacing each set of metadata items associated with the one metadata

state with a null value from the empty metadata state. Senator does teach wherein the history

data structure defines an empty metadata state for a file and wherein replacing each set of

metadata items comprises replacing each set of metadata items associated with the one metadata

state with a null value from the empty metadata state in fig. 1A, 1C, col. 3 lines 35-51, and col. 3

line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time

the invention was made to have combined the teachings of Berkun and Senator to have created

the claimed invention. It would have been obvious and desirable to have used the history data

structure of Senator to have improved the metadata storage of Berkun so that the user could have

rolled back to a previous metadata state as is taught by use of the rollback module in Senator in

fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Regarding dependent claim 30, Berkun does not teach a rollback module for

maintaining a history data structure in the file, the history data structure storing the received

metadata along with a previous metadata state associated with the media content. Senator does

teach a rollback module for maintaining a history data structure in a file, the history data

structure storing the received metadata along with a previous metadata state associated with the

file in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have combined

the teachings of Berkun and Senator to have created the claimed invention. It would have been

obvious and desirable to have used the history data structure of Senator to have improved the

metadata storage of Berkun so that the user could have rolled back to a previous metadata state

as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3

line 64 – col. 4 line 6.

Regarding dependent claim 31, Berkun does not teach wherein the authoring module

replaces each item of metadata associated with one metadata state with a corresponding item of

metadata from another metadata state maintained in the history data structure by the rollback

module. Senator does teach wherein an authoring module replaces each item of metadata

associated with one metadata state with a corresponding item of metadata from another metadata

state maintained in the history data structure by the rollback module in fig. 1A, 1C, col. 3 lines

35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to have combined the teachings of Berkun and Senator

to have created the claimed invention. It would have been obvious and desirable to have used

the history data structure of Senator to have improved the metadata storage of Berkun so that the

user could have rolled back to a previous metadata state as is taught by use of the rollback

module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Regarding dependent claim 32, Berkun does not teach wherein the history data

structure defines an empty metadata state for the media content and wherein the authoring

module replaces each item of metadata associated with the one metadata state with a null value

from the empty metadata state. Senator does teach wherein the history data structure defines an

empty metadata state for a file and wherein the authoring module replaces each item of metadata

associated with the one metadata state with a null value from the empty metadata state in fig. 1A,

1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have combined the teachings of

Berkun and Senator to have created the claimed invention. It would have been obvious and

desirable to have used the history data structure of Senator to have improved the metadata

storage of Berkun so that the user could have rolled back to a previous metadata state as is taught

by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 –

col. 4 line 6.

Regarding dependent claim 35, Berkun does not teach a request from the user to restore

previously received metadata. Senator does teach a request by a user to restore previously

received metadata in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to have

combined the teachings of Berkun and Senator to have created the claimed invention. It would

have been obvious and desirable to have used the history data structure of Senator to have

improved the metadata storage of Berkun so that the user could have rolled back to a previous

metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines

35-51, and col. 3 line 64 – col. 4 line 6.

8.   **Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Senator et al. (hereinafter "Senator"), US 5,761,677 patented 6/2/1998 in view of Berkun et

al. (hereinafter "Berkun"), US 2002/0103920 A1 filed 6/8/2001.

Regarding independent claim 51, Senator teaches a history field storing a plurality of

metadata states for a file, each of the metadata states comprising one or more items of metadata

associated with the file in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Senator does not specifically teach that the file is a data field storing media content for rendering

by a media player. Berkun does teach a data field storing media content for rendering by a

media player and a plurality of metadata stored in association with the media content in fig. 1, 3,

and paragraphs [0022]-[0028]. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to have combined Senator and Berkun to have created the

claimed invention. It would have been obvious and desirable to have used the history record of

Senator on a metadata media content as taught by Berkun so that metadata associated with media

content would have been enhanced as taught by Berkun in fig. 3 and paragraphs [0035]-[0042].

Regarding dependent claim 52, Senator teaches wherein the history field stores an

existing metadata state and an updated metadata state in fig. 1A, 1C, col. 3 lines 35-51, and col. 3

line 64 – col. 4 line 6.

Regarding dependent claim 53, Senator teaches wherein the history field stores an

empty metadata state in which each of the items of metadata has a null value associated

therewith in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Lowe et al., US 2004/0267693 A1 filed 6/30/2003 discloses evaluating the suitability

of metadata. Barker et al., US 2002/0143976 A1 provisional filed 3/9/2001 discloses managing

and updating metadata associated with digital assets. Porter et al., US 2002/0099737 A1 filed

6/8/2001 discloses metadata quality improvement. Masumitsu et al., US 2002/0157095 A1 filed

2/21/2002 discloses converting metadata into characteristic values and associating the values

with one or more content segments. Sull et al., US 2002/0069218 A1 filed7/23/2001 discloses

indexing, searching, identifying, and editing portions of electronic multimedia files. Davis et al.,

US 2002/0001395 A1 filed 4/20/2001 discloses authenticating metadata and embedding

metadata in watermarks of media signals. Levy et al., US 2002/0033844 A1 filed 9/11/2001

discloses content sensitive connected content. Visharam et al., US 2004/0006575 A1 filed

4/28/2003 discloses supporting advanced coding formats in media files in. Wong et al., US

2004/0172593 A1 filed 1/21/2003 discloses rapid media group annotation. Sipusic et al., US

2005/0234958 A1 filed 12/7/2001 discloses iterative collaborative annotations. Swierk et al.,

"The Roma Personal Metadata Service", Mobile Networks and Applications, volume 7, issue 5,

October 2002, pages 407-418 discloses a centralized service storing information about each of a

user's files.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter J. Smith whose telephone number is 571-272-4101. The

examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2176

PJS
12/9/2005

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER

12/10/2005